IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION No. 10450 of 2005

Between:

Bayye Satteyya, s/o Ganganna,
R/o D.No.11-125, Kothapet, Kothapet Mandal, E.G.District.

..... PETITIONER

AND

1. Kothapet Gram Panchayat, Kothapet Mandal, E.G.District

rep., by its Executive officer.
2. The Mandal Revenue officer, Kothapet Mandal, Kothapet,

E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in writ of Mandamus declaring the action of the respondent authority in demolishing the property of the petitioner bearing Door No.11-125 under Assessment No.1844 of Kothapet Village & Mandal, East Godavari District, as illegal, arbitrary and violative of Fundamental Rights guaranteed under the Constitution of India, particularly Art.300-A, consequently direct the respondents to stop further proceedings to demolish the said building of the petitioner.

Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent No.1: Standing Counsel for the Gram Panchayat.

Counsel for the Respondent No.2: GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT.

The Court at the stage of admission made the following :

O R D E R :

This writ petition is filed by the petitioner seeking to declare the action of the respondents in demolishing his property bearing No.11-125 under Assessment No.1844 of Kothapet village and Mandal, East Godavari District, as illegal and arbitrary.

Having heard the learned Counsel for the petitioner and the learned Standing Counsel for the first respondent-gram panchayat and the learned Government Pleader for Panchayat Raj and Rural Development, appearing for the second respondent, the writ petition is disposed of directing the respondents not to demolish the property of the petitioner bearing Door No.11-125, under Assessment No.1844 of Kothapet Village and Mandal, East Godavari District, without following the due process of Law.

Accordingly, the writ petition is disposed of. No costs.

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G.ROHINI, J.

Dated: 28th April, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Executive Officer, Kothapet Gram Panchayat, Kothapet Mandal, E.G.District.

2. The Mandal Revenue officer, Kothapet Mandal, Kothapet, E.G.District.

3. Two C.Cs. to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad. (O.U.T.)

4. 2 CD copies

*Form-NIC-OGS/WP{**RS**}*

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.10450 OF 2005

ADVANCE ORDER : (Operative portion by wire)

The writ petition is disposed of directing the respondents not to demolish the property of the petitioner bearing Door No.11-125, under Assessment No.1844 of Kothapet Village and Mandal, East Godavari District, without following the due process of Law. No costs.

(Order follows…. ……)

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G.ROHINI, J.

Dated: 28th April, 2005.

NOTE:

1. Issue wire at party's cost.
2. After dispatching the wire, this bundle shall be sent to the Court Masters' Section immediately.

B/O

cs